



2025:DHC:8309



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: 17th September, 2025
Pronounced on: 19th September, 2025

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BAIL APPL. 3254/2025 & CRL.M.A. 25288/2025
(for interim protection)

VISHAL JAISWAL

S/o Sh. Prem Jaiswal

R/o LIG 57, Janpriya Vihar Colony

Gorakhpur, Uttar Pradesh.

.....Petitioner

Through: Mr. Meghan, Mr. Mukul Gupta and
Mr. Harsh Kant Tiwary, Advocates.

versus

STATE OF NCT OF DELHI

Through SHO Crime Branch

.....Respondent

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Bail Application under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS"*) read with Section 528 BNSS, has been filed on behalf of the Applicant, **Vishal Jaiswal**, seeking grant of **Anticipatory Bail** in FIR No. 132/2025 dated 02.06.2025, under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*hereinafter referred to as "NDPS Act"*), registered at PS Crime Branch.

2. **Briefly stated**, the case of the Prosecution is that on 01.06.2025, secret information was received regarding the supply of **Tramadol** Capsules,



which is a psychotropic substance. A DD entry was lodged, and a raiding team was constituted. A trap was laid at Gate No. 2, outside Tis Hazari Court, Delhi. The secret informer identified a person standing on the footpath with a cloth/plastic bag in his hand, next to a black scooty, as the suspected supplier of "*Tramadol*." He was apprehended and disclosed his name as Harish. His search was conducted, and from the bag, 15 small boxes of SPASMO PROXYVON PLUS medicine were recovered. Each box contained 18 strips with 18 capsules each, totalling 2160 capsules. From the description, each capsule contained 50 mg of *Tramadol*, amounting to a total of 108 grams. The co-accused Harish failed to produce any Bills regarding the recovered medicine.

3. Upon interrogation, co-accused Harish stated that he had purchased these drugs from one **Gautam**, whose phone number was saved in his mobile. He also confessed to selling several such *Tramadol* boxes in recent days. Thereafter, raids were conducted to trace co-accused Gautam Singh. He applied for anticipatory bail, which was dismissed vide **Order dated 17.06.2025**, by the Ld. ASJ, Tis Hazari.

4. On 22.06.2025, co-accused Gautam Singh appeared at the office of WR-11, where he was arrested. When his phone was examined, photos of *Tramadol* and other suspicious medicines were found. **Gautam Singh** disclosed the name of **Amit Goyal**, an ayurvedic medicine seller based in Gorakhpur. He stated that Amit Goyal had delivered *Tramadol* to him thrice, concealed in packages sent through private passenger bus services. On 26.06.2025, acting on his disclosure, Amit Goyal was located at his shop, "*Goyal Pharma*," *Bhalotiya Market, Gorakhpur*.



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5. A Notice under Section 50 NDPS Act was given, and search of his shop was conducted. However, no incriminating material was found and no recovery was made. Thereafter, **Amit Goyal** was taken to the local police station. After detailed interrogation and verification of the CDRs, he was arrested from Police Station Cantt, Gorakhpur, UP.

6. **Amit Goyal** then disclosed that since early 2024, he had been delivering *Tramadol* to Gautam Singh. He further states that one **Vishal Jaiswal**, the present Applicant, is the supplier who provides him the *Tramadol*, which he in turn, delivers to Gautam Singh in Delhi.

7. Two Notices under Section 67 NDPS Act were served on the father of the Applicant, directing the Applicant to join the investigation. However, he did not join. An Anticipatory Bail Application was filed by the Applicant, Vishal Jaiswal, before the Ld. Sessions Court, which was dismissed *vide* Order dated 08.08.2025. Thereafter, a third Notice under Section 67 NDPS Act was served on the father of the Applicant, but again, the Applicant failed to join the investigation.

8. The **Anticipatory Bail** has been sought on the **ground** that he has no role in the recovery at hand. It is submitted that he runs a Medical Store in the name of “*Prem Medical Agency*” wherein his father is the License holder, and he has no connection with the present case.

9. It is further submitted that the reason for the Applicant having telephonic conversations with co-accused Amit Goyal, is that their shops are adjoining to each other. These calls were made only on account of friendly relations and have no connection with the seized contraband. Mere telephonic calls cannot make the Applicant liable for the recovery at hand.



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10. It is further submitted that the Applicant has no contact with the other co-accused including Gautam Singh or with any other person involved in the present case. This fact is evident from the confessional statements of co-accused Amit Goyal and co-accused Gautam Singh. It is also submitted that the Applicant has no financial transactions with any of the co-accused.

11. It is submitted that the substance *Tramadol* of the same batch in question, was allegedly manufactured by Wockhardt India Ltd. and supplied to Hai Maa Medicos, Agra, but this aspect was not investigated by the authorities.

12. It is submitted that the Applicant is ready to join the investigation. It is asserted that he fulfils the “*triple test*” for bail i.e. a person is not a flight risk; there is no possibility of tampering with evidence or influencing witnesses, as laid down by the Hon’ble Supreme Court in P. Chidambaram v. CBI, (2020) 13 SCC 337.

13. Furthermore, the Applicant has no previous criminal involvement, and that the trial is likely to take considerable time to conclude.

14. *Accordingly, it is prayed that the present Application be allowed and the Applicant be enlarged on Bail.*

15. ***A Status Report has been filed on behalf of the Respondent/State***, wherein it is submitted that the Applicant is deliberately not joining the investigation, due to which the same is being delayed. Non-Bailable Warrants have been issued against the Applicant by the Ld. NDPS Sessions Court, Tis Hazari, on 06.09.2025.

16. It is submitted that from the CDR analysis of the accused persons, it has been found that there were both WhatsApp as well as normal calls, between the Applicant Vishal Jaiswal and co-accused Amit Goyal from



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01.07.2024 to 24.06.2025. It is further submitted that the Applicant is also connected with co-accused Gautam Singh, as reflected from the CDRs. The analysis also indicates that the Applicant, Vishal Jaiswal was in contact with the courier service through which parcels were delivered to Gautam Singh in Delhi.

17. A mobile phone was produced by the operator of KN Nehra Bus Service, which contained certain call recordings. Upon analysis, it was revealed that both Vishal Jaiswal and Gautam Singh had enquired about a parcel being delivered in the name of “Rishu.”

18. It is stated that Vishal Jaiswal had sent details of an HDFC Bank account in the name of Md. Razzaque to co-accused Amit Goyal via WhatsApp. A photograph of a deposit slip showing Rs. 24,500 deposited from Chandni Chowk, Delhi into the account of Md. Razzaque was also recovered from the phone of Gautam Singh. This indicates suspicious financial transactions between the accused persons.

19. The present Application for Anticipatory Bail has been ***opposed on the ground*** that the Applicant is the source of the 2160 capsules recovered from co-accused Harish. It is submitted that the Applicant is part of a drug trafficking nexus.

20. *Co-accused Amit Goyal* has disclosed that Vishal Jaiswal used to supply him with *Tramadol* capsules, and he identified the Applicant’s shop as the source. Despite service of three Notices under Section 67 NDPS Act on the father of the Applicant, he did not join the investigation.

21. It is further submitted that many suspicious transactions have been traced in the Bank Account Statements of the accused persons and suspects, and therefore, custodial interrogation of the Applicant is necessary to



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unearth the money trail. The entire supply chain/source of contraband needs to be investigated.

22. Reliance has been placed on the judgments of the Apex Court in *C.B.I. v. Anil Sharma*, 1997 (4) R.C.R. (Criminal) 268, and of the co-ordinate benches of this Court in *Kanchan v. State (NCT of Delhi)*, 2025 SCC OnLine Del 1025; *Mahesh Kumar v. State, Govt. of NCT of Delhi*, BAIL APPLN. 829/2020 (decided on 06.05.2020); and *State v. Deepa Singh*, CRL.M.C. 4208/2025 (decided on 14.07.2025).

23. Accordingly, it is prayed that the present Anticipatory Bail application be dismissed.

Submissions heard and record perused.

24. The case of the Prosecution is that on 01.06.2025, based on secret information received from an informer, a raid was conducted and accused Harish was arrested from Gate No. 2, Tis Hazari Court. A recovery of 15 small boxes of SPASMO PROXYVON PLUS medicine, each containing 18×18 capsules (total 2160 capsules), was made. Each capsule was found to contain 50 mg of Tramadol, totalling 108 grams. Thereafter, on the disclosure of co-accused Harish, another accused, Gautam Singh, was arrested.

25. The co-accused Gautam Singh also made a disclosure, pursuant to which co-accused Amit Goyal, owner of Goyal Pharma, was arrested from Gorakhpur, UP. He in turn disclosed that the Applicant, Vishal Jaiswal, was the supplier of *Tramadol* to Gautam Singh in Delhi. It has also come on record that the Applicant runs a chemist shop adjacent to the shop of co-accused Amit Goyal.



26. It is undisputed that no search was conducted at the premises/shop of the Applicant and that his name appeared only in the disclosure statement of co-accused Amit Goyal.

27. The Prosecution has heavily relied upon the CDRs between the accused persons and the call recordings to implicate the Applicant. The Applicant, however, has taken a defence that the calls between him and co-accused Amit Goyal were made because their shops are next to each other, and that he has no involvement in the recovery in the present case.

28. It is a settled proposition of law that the evidentiary value of CDRs is a matter for trial, and at the stage of considering an application for bail, this Court cannot enter into appreciation of such material. It is also settled that CDRs alone cannot be a ground to deny anticipatory bail to an accused.

29. The Apex Court, in State (by NCB) Bengaluru v. Pallulabid Ahmad Arimutta, (2022) 12 SCC 633, while refusing to interfere with the order granting bail, observed that *the CDR details of some of the accused or the allegations of tampering of evidence on the part of one of the respondents is an aspect that will be examined at the stage of trial.*

30. A Co-ordinate Bench of this Court, in Phundreimayum Yas Khan v. State (NCT of Delhi), 2023 SCC OnLine Del 135, observed that in the absence of any other incriminating evidence, bail cannot be denied merely on the basis of CDRs of the accused persons.

31. Similarly, the Co-ordinate bench in the case of Deepak Nagiya v. State (NCT of Delhi), 2023 SCC OnLine Del 5641, granted anticipatory bail where the only incriminating material against the accused was the disclosure statement of a co-accused and CDRs.



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32. Considering the totality of circumstances and the nature of allegations, it is directed that in the event of his arrest, the Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.35,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer.
- (iii) The Petitioner shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
- (iv) The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
- (v) The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

33. The Petition stands disposed of in the above terms. The Application, if any, also stands disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

SEPTEMBER 19, 2025/RS